

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:18 CR 51 CDP
	)	
DAVID HUGHES,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on defendant David Hughes' Motion to Suppress Statements. All pretrial motions in this case were referred to United States Magistrate Judge Patricia L. Cohen under 28 U.S.C. § 636(b). Judge Cohen held an evidentiary hearing on the motion on April 10, 2018, and thereafter the parties filed post-hearing briefs. Judge Cohen issued a Report and Recommendation recommending that the motion be denied. Defendant has filed objections to the Report and Recommendation and the U.S. Attorney has filed a response to those objections.

I have conducted a *de novo* review of the motion, including reading the briefs and transcript and examining the exhibits from the hearing. I will adopt and sustain the thorough reasoning of Magistrate Judge Cohen as set forth in support of her recommended rulings issued on June 15, 2018. As Judge Cohen

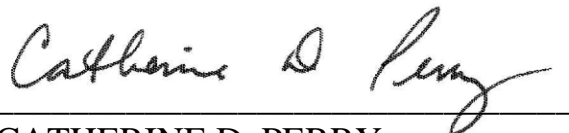
found, Defendant was not in custody when he made the statements, and so the Agents were not required to provide him with *Miranda* warnings. The agents did not use any coercive or deceptive tactics, and told defendant that he did not have to make statements. His statements were entirely voluntary, and there is no evidence of any improper attempt to overbear his will. Judge Cohen's Report and Recommendation is very detailed, both in summarizing the evidence from the hearing and discussing the legal issues, and I will adopt it in its entirety.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [41] is **SUSTAINED, ADOPTED, and INCORPORATED** herein and David Hughes' Motion to Suppress Statements [21] is denied.

**IT IS FURTHER ORDERED** that the motion to set *Frye* hearing [45] is granted, and a **final pretrial hearing** and **hearing** under *Frye* to make a record of any concessions offered by the government will be held on **Tuesday, July 31, 2018 at 1:00 p.m.** in Courtroom 14-South.

This case remains set for trial on the two week docket beginning **Monday, August 13, 2018 at 8:30 a.m.**



CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 20th day of July, 2018.